

Senate Bill No. 716

CHAPTER 488

An act to amend Section 14571.4 of the Public Resources Code, relating to beverage containers.

[Approved by Governor September 24, 1997. Filed
with Secretary of State September 25, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 716, Alpert. Pacific Beach Mobile Recycling Program.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, authorizes the Department of Conservation to pay handling fees to supermarket sites, as defined. Those provisions will be repealed January 1, 1999.

The act requires the department to certify one operator meeting specified qualifications to establish a pilot program, the Pacific Beach Pilot Mobile Recycling Program, incorporating all convenience zones in the Pacific Beach area of San Diego County, as defined, which will remain in effect until January 1, 1998. The department is required, on or before April 11, 1997, to submit a report to the Legislature evaluating the pilot program. A minimum volume of beverage containers is required to be recycled as a condition of the program.

This bill would delete references to the Pacific Beach program being a pilot program, delete that report requirement, and revise the qualifications for the recycling center operator. The bill would repeal the minimum volume requirement for the continuation of the program.

The bill would make conforming changes.

The people of the State of California do enact as follows:

SECTION 1. Section 14571.4 of the Public Resources Code is amended to read:

14571.4. (a) (1) The department shall certify one operator to establish the Pacific Beach Mobile Recycling Program that incorporates all convenience zones in the Pacific Beach area of San Diego County.

(2) For the purposes of this section, "the Pacific Beach area of San Diego County" means the area designated in the Pacific Beach Community Plan.

(b) Notwithstanding Sections 14570 and 14571, all convenience zones within the Pacific Beach area of San Diego County shall be considered served if both of the following conditions are met:

(1) The recycling center operator meets all of the following conditions:

(A) The center is open for business at least once each week at a number of locations equal to the number of convenience zones in the Pacific Beach area of San Diego County as determined by the department annually, three of which are within existing convenience zones in the Pacific Beach area of San Diego County.

(B) The center is open for business at least eight hours per day at each location.

(C) The center agrees to accept, and pay the refund value for, all eligible beverage container types.

(D) The center is certified by the department for operation in the number of locations equal to the number of convenience zones in the Pacific Beach area of San Diego County, as determined by the department.

(2) All dealers within the Pacific Beach area of San Diego County post a clear and conspicuous sign of at least 10 inches by 15 inches at each public entrance to the dealer's place of business, indicating the location, hours, and day of operation for each recycling location within the Pacific Beach area.

(c) A recycling center operator approved by the department, that meets the conditions prescribed in paragraphs (1) and (2) of subdivision (b), shall be designated a certified recycling center and shall be eligible to apply for handling fees pursuant to Section 14585 and to receive from processors the amounts specified in subdivision (a) of Section 14573.5 for refund values, administrative costs, and processing payments.

(d) If the department determines that it is necessary to adopt or revise regulations to implement this section, the regulations shall be adopted or revised as emergency regulations. The Office of Administrative Law shall consider these emergency regulations to be necessary for the immediate preservation of the public peace, health, and safety, and the general welfare for the purposes of Section 11349.6 of the Government Code. Notwithstanding the 120-day period provided for in subdivision (e) of Section 11346.1 of the Government Code, the emergency regulations shall be repealed 180 days from the effective date of the regulations.

